

REMARKS

Upon entry of the amendment, claims 1-10 are all the claims pending in the application.

The application has been amended to make editorial changes and resolve issues raised by the Examiner.

Entry of the above amendment is respectfully requested.

Objection to the Abstract

On page 2 of the Office Action, in paragraph 6, the Examiner has objected to the Abstract of the Disclosure because the phrase “The invention concerns” should be deleted from line 1.

In response, and to advance the prosecution, Applicants have deleted the phrase at issue. Accordingly, Applicants submit that the objection to the Abstract has been overcome, and withdrawal of this objection is respectfully requested.

Objection to the Disclosure

On page 2 of the Office Action, in paragraph 7, the Examiner has objected to the disclosure because the extra spaces should be deleted from page 4.

While it seems to Applicants that the Examiner should not object to the specification simply because of the presence of extra spaces, to resolve this issue and advance the prosecution Applicants have deleted the extra spaces from page 4 in the application. Accordingly, Applicants submit that the objection to the disclosure has been overcome, and withdrawal of this objection is respectfully requested.

Objection to the Claims

On page 2 of the Office Action, in paragraph 8, the Examiner has objected to claims 1, 2, and 9 because of various informalities.

While Applicants do not believe that a number of the amendments are necessary because the present claims seem satisfactory as is, to expedite allowance Applicants have amended the claims basically along the lines suggested by the Examiner. However, with respect to item (b) in paragraph 8 of the Office Action, Applicants have amended line 5 of claim 1 to change “whatever its orientation” to “however the coded part is oriented”, because such a change seems more appropriate from a grammatical point of view. With respect to item (h) in paragraph 8, Applicants confirm that the Examiner is correct in treating claim 9 as a dependent claim, since claim 9 depends from claim 1 or 2, such that claim 9 is directed to a marking process using images produced by the process of claim 1 or 2 in particular.

In view of the above, Applicants submit that the objection to the claims has been overcome, and withdrawal of this objection is respectfully requested.

Rejection under 35 U.S.C. 112, Second Paragraph

On page 3 of the Office Action, in paragraph 11, claims 1, 3, 4, 9, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner’s position is that the phrases “for example” and “such as” render the claims indefinite because it is unclear whether the limitation(s) following the phrases are part of the claimed invention.

In response, and to expedite allowance, Applicants have deleted the phrases at issue. Accordingly, Applicants submit that the present claims satisfy the requirements of 35 U.S.C. 112, and withdrawal of this rejection is respectfully requested.

Obviousness Rejection over Krieteimeier

On page 4 of the Office Action, in paragraph 14, claims 1-4, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krieteimeier et al. [US 4,763,928 - "Krieteimeier"].

The Examiner's Position

The Examiner's position appears to be basically that Krieteimeier teaches a process of identification having an image that includes at least one coded part undetectable by the naked eye which is capable of being read by a reading device, comprising:

generating numerical data corresponding to a particular (see col. 8, lines 60+ and Figure 10, step 82);

converting these numerical data by a suitable device into a visually exploitable and transitory on screen image, e.g., displayed on a small cathode ray tube (see col. 10, lines 11+ and Figure 10, steps 88 and 90);

transferring this image to a physical support, i.e., the display is then formatted and photographically reproduced and transferred onto a synthetic film (i.e., the image is transferred to a support such as a microfilm by photocomposition) (see col. 9, lines 17± and Figure 10, step 92);

affixing (i.e., by apply backing adhesive) one or more images thus produced to the product or article to be marked (see col. 6, line 55-col. 7, line 29 for example);

reading the code with a matrix camera (not specifically shown) and storing them in memory (see Figure 10, step 84):

wherein the text of the code undetectable by the naked eye of this image is presented in the form of a dot code (see col. 7, lines 33+, 53+; col. 8, lines 35+; Figure 5 for example).

The Examiner indicates that although the identification process obviously includes reading the data and comparing the data with the stored information, Krieteimeier is silent with respect to the data generated in an algorithmic manner by a computer program and specific steps of reading during the identification and comparing by means of a consultation node.

The Examiner asserts that due to the fact that Krieteimeier teaches the process of generating numerical data corresponding to a particular, this generating process is obviously done by a computer program wherein the computer program is software having a coded instruction or procedure to execute a specific command having logic, which obviously teaches that the computer program has an algorithmic logic. Further, the Examiner indicates that Krieteimeier shows the step of identifying the article as designated at 52 in Figure 6, which obviously teaches that the identification and comparing operation are performed at a specific point of operation (i.e., by a means of a consultation node).

Accordingly, the Examiner asserts that it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to recognize that the data would have been generated in a algorithmic manner by a computer program in order to carry out the operations in sequence and the identification/comparing operation are performed at a specific designated point of operation in order to facilitate the identification service.

Applicants' Response

In response, it is submitted that Krieteimeier does not teach all that the Examiner says it teaches.

In particular, it is noted that Krieteimeier teaches microidentifiers containing owner-identifying encoded data identical to one another (col. 4, lines 53-61). In contrast, the present invention is directed to a process for manufacturing images that are all different from one another (claim 1).

Moreover, it is noted that the present claims recite that a computer program generates numerical data corresponding to a particular text. While the Examiner indicates that Krieteimeier teaches the generation of numerical data, it is noted that Krieteimeier simply teaches the storage of identifying information in digital form (e.g., at col. 3, lines 8-10, and col. 8, line 60 to col. 9, line 3), and it is submitted that the digital information in Krieteimeier does not teach or suggest the numerical data of the present invention.

Thus, it is submitted that the present invention is not obvious over Krieteimeier, and withdrawal of this rejection is respectfully requested.

Allowable Subject Matter

On page 6 of the Office Action, in paragraph 15, the Examiner indicates that claims 5, 8, and 10 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 09/331,674

Attorney Docket No.: Q54768

Applicants thank the Examiner for indicating that claims 5, 8, and 10 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims. In view of the above amendments and remarks, it is submitted that the other claims should be allowable as well, and thus allowance of this application is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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